

CHARTERHOUSE POPHAM CASE

—*—

CHARTERHOUSE ACT OF PARLIAMENT

1742

17446/c

Ms. 301. Underdown.

Anno Regni G E O R G I I II. R E G I S

Magnæ Britannie, Franciæ, & Hiberniæ,
DECIMO SEXTO.

At the Parliament begun and holden at *Westminster*,
the First Day of *December*, *Anno Dom.* 1741, in
the Fifteenth Year of the Reign of our Sovereign
Lord *GEORGE* the Second, by the Grace of
God, of *Great Britain, France, and Ireland*
King, Defender of the Faith, &c.

And from thence continued by several Prorogations to the Sixteenth
Day of *November*, 1742, being the Second Session of this present
Parliament.



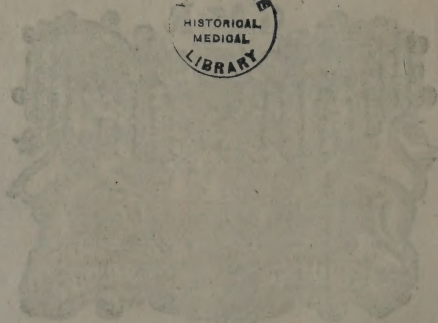
L O N D O N,
Printed by *Thomas Baskett* and *Robert Baskett*,
Printers to the King's most Excellent Majesty. 1742.

Anno Regni GEORGI II REGIS

Magne Britannie, Francie, & Hibernie,
DECIMO SEXTO

At the Parliament begun and holden at Westminster
the first Day of December, Anno Domini 1742, in
the fifth Year of the said King of our Sovereign
Lord GEORGE the second, by the Grace of
God, of Great Britain, France, and Ireland,
King, Defender of the Faith, &c.

And also these presents by Letters Under the Great Seal
of Great Britain, bearing Date the first Day of the said
Parliament.



LONDON
Printed by Thomas Baskett and Robert Barker
Printers to the King's most Excellent Majesty, 1742.

Anno decimo sexto

Georgii II. Regis.

An Act to enable the present and future Proprietors and Inhabitants of the Houses in *Charterhouse Square*, in the County of *Middlesex*, to make a Rate for raising Money effectually to inclose, pave, watch, clean, and improve the said Square, and to continue the same in Repair.



Whereas great Part of the Area ^{Preamble.} of the Square called Charterhouse Square, in the Parishes of Saint Sepulchre, and Saint Botolph Aldersgate, in the County of Middlesex, was in or about the Year One thousand seven hundred and seventeen, inclosed with Pales or a Palisade of Wood, in order to preserve the same in a decent Manner : And whereas such

Palisade, although supported at a very great Expence by the Inhabitants, is now decayed ; and if such Palisade should be permitted to be destroyed, the Square will become a Receptacle for Rubbish, Dirt, and Dungheils, and will be liable to be frequented by common Beggars, Vagabonds, and other disorderly Persons, for the Exercise of their idle Diversions, and other unwarrantable Purposes, so as to be unfit for the Habitation of Persons of Character and Condition : And whereas the cleaning, watching, and paving the said Square, and the Courts thereto adjoining, has been greatly neglected, to the Annoyance and

Danger of the Inhabitants ; to prevent all which Mischiefs, and to the end the said Square, and the Courts thereto adjoining may be kept clean, decent, and in good Order, the Owners, Proprietors, and Inhabitants of the Houses and Buildings in, fronting, or making Part of the said Square, and the two Courts thereunto adjoining, one within the Precincts of and adjoining to the Charterhouse, in the Possession of John Clarke, Esquire, and others, and the other called Rutland Court, are desirous that the Area of the said Square, or some Part thereof, may be inclosed in a more lasting and effectual Manner, or otherwise made commodious ; and that the said Square, and the Courts thereunto adjoining may be paved, cleaned, watched and improved, and kept in good Repair for the future, and are willing that an adequate Contribution may for that Purpose be raised by and amongst themselves : Wherefore the said Proprietors and Inhabitants most humbly beseech Your most Excellent Majesty that it may be enacted ; and it is hereby enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Proprietors and Inhabitants of the several Houses within, fronting, or making Part of the said Square, and of the said Courts, to meet together upon the twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, at the Charterhouse, in a Room commonly called Brook-hall, between the Hours of nine and ten in the Forenoon of the same Day, and then and there, by the Majority of the said Proprietors and Inhabitants present, to elect and choose Ten of the said Proprietors and Inhabitants, who, with the then Master, Register, and Receiver of the Charterhouse, making together thirteen Persons, are hereby declared to be Trustees for putting this Act, and the several Powers and Authorities hereby given, in Execution ; which said Trustees, or any Seven or more of them, shall have by virtue of this Act, sufficient Power and Authority from time to time, in Writing under their Hands, to direct how and in what Manner the said Square and Courts shall be inclosed, or otherwise made commodious, paved, watched, cleaned, and improved, and from time to time kept in Repair, and preserved from Annoyances, and to make Provision for the carrying away the Dust from the respective Houses in, fronting, or making Part of the said Square, and in the said Courts, and to do all other lawful Acts and Things for the Purposes aforesaid,

The Inhabitants and Landlords to meet and choose ten Trustees.

Master, Register and Receiver of the Charterhouse to be three more.

said, so as the doing and finishing thereof, and the continuing the same in Repair when finished, do not exceed such Rate or Rates as are for that Purpose herein after limited or appointed.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to dig, cart, or carry away, or cause to be dug, carted, or carried away, such Soil or Earth, Rails or Fences, in the Area of the said Square, and to dispose of the same by Sale or otherwise, (the Materials of such Fences, or the Produce of the same, and every Part thereof, being employed for the Purposes in this Act mentioned) and to bring in such Gravel, Stones, and other Materials, and to employ such Artificers, Workmen, Labourers, and Carters, and such Collectors, Supervisors, Receivers and others, and to receive and issue such Money on those Accounts as the said Trustees, or any Seven or more of them, shall judge necessary or conducive to the accomplishing the End and Design aforesaid; and that it shall and may be lawful to and for the said Trustees, or any Seven or more of them, not only to remove, but also to prevent, all and all Manner of Annoyances by Filth, Dung, Ashes, Rubbish, or otherwise, laid or cast, or to be laid or cast, in or upon the said Square, or at or over-against the Houses or Buildings in or making Part of the said Square, or in the said Courts, or on any other Ground, or Soil which the Owners or Inhabitants of the said Square, or the said Houses therein, or making Part thereof, or in the said Courts, are obliged or ought to pave, cleanse, or repair; and also to pull down, remove and abate all and every the Encroachment and Encroachments that now are, or hereafter shall be made on the same; and for that Purpose, to issue one or more Precept or Precepts to the Sheriffs of the said County of Middlesex for that Purpose, who are hereby required and impowered to execute the same; and if any Person or Persons shall from and after the said Twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, in any wise annoy the said Square or Courts, Houses, Buildings, Ground or Soil, or any Part thereof, by Filth, Dung, Ashes or Rubbish; then, and in every such Case, it shall and may be lawful to and for the said Trustees, their Servants or Agents, and every of them, and also to and for the said Proprietors, Owners, and Inhabitants of the said Houses, Buildings, Ground, and Soil, or of any Part thereof, their Servants or Agents, and every of them, to take

Trustees to improve the Square.

Penalty on
Persons laying
Dirt or Rub-
bish.

How to levy
the same.

Offender hav-
ing no Goods,
to be sent to
the House of
Correction.

Penalty or Pu-
nishment of
disorderly Per-
sons, &c.

and carry, or cause to be taken and carried, every such Offender before one or more Justice or Justices of the Peace for the said County of Middlesex; and every such Offender, being convicted of any such Offence, upon Oath before such Justice or Justices of the Peace, (who is and are hereby impowered and required to administer such Oath) shall for every such Offence forfeit and pay to the said Trustees, any Sum not exceeding Twenty Shillings, over and above all Costs, Charges, Damages and Expences in the Prosecution of such Offender, to be ascertained by such Justice or Justices before whom such Offender shall be convicted; the same to be levied by Distress and Sale of the said Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals of the said Justice or Justices, the Overplus (if any) to be rendered to the Owner upon Demand; and in Default of Payment, or if no sufficient Distress can be found, shall be sent to the House of Correction, by Warrant or Warrants of such Justice or Justices, there to be kept to hard Labour, for any time, not exceeding the Space of One Month; and moreover it shall and may be lawful to and for such Justice or Justices, and he or they are hereby required to commit, and send away, all and every such Offender or Offenders to any House of Correction, or other Gaol or Place of Confinement within the said County, there to remain until he, she or they, shall cause or procure to be taken away such Filth, Dung, Ashes or Rubbish so put, laid or placed contrary to the Meaning hereof: And if any loose, idle or disorderly Person or Persons shall, from and after the said Twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, use or exercise any Sport, Game or Diversion within the said Square, or the said Courts, to the Annoyance or Disturbance of the Inhabitants thereof; or if any Person or Persons, not being an Inhabitant of the said Square or Courts, or their Servants or Agents, shall ride or air any Horse or Horses in the said Square, or shall drive any great Cattle, Sheep, or Pigs, into or through the said Square, or shall remove, or cause to be removed, break through, or get over, all or any Part of any Fence or Inclosure, whereby the said Square, or any Part thereof, shall be inclosed by virtue of this Act, or shall make use of any Key, or other Instrument, to get into the said Inclosure, (such Key not belonging to a Proprietor or Inhabitant of the said Square or Courts) every such Offender or Offenders, being thereof convicted in Manner aforesaid, shall forfeit and pay to the said Trustees any Sum of Money not exceeding Forty Shillings,

Shillings, to be ascertained and ordered by the Justice or Justices before whom he, she, or they, shall be convicted; and in Default of such Payment, shall be sent to the House of Correction, by Warrant or Warrants of such Justice or Justices, there to be kept to hard Labour, for any time not exceeding the Space of one Month.

And that the said Trustees may be enabled to inclose, or otherwise make commodious, pave, watch, clean, repair and improve the said Square, or any Part thereof, and the said Courts adjoining, and to continue the same in Repair, and to defray the necessary Charges thereof, and of them the said Trustees, in the Execution of the Powers and Trusts hereby in them reposed, and also the Expences of passing this Act, it is further enacted by the Authority aforesaid, That from and after the said ^{Trustees to, make Assessments.} Twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, there shall at all times hereafter be raised, levied, collected, and paid to the said Trustees, and the Survivors of them, and to such other Trustees as shall or may be elected or chosen in any or either of their Stead by virtue of the Authority hereby given for that Purpose, or by or to such Person or Persons as shall be by them the said Trustees, or any Seven of them, thereunto appointed, proportionable yearly Rates and Duties to be assessed on the said Proprietors and Inhabitants of the said Houses or Buildings, in fronting, or making Part of the said Square, and the said Courts adjoining, according to their respective Estates and Interests therein, at the Discretion of the said Trustees, or any Seven or more of them, provided the Number of Trustees present at the making such Rates or Assessments be Nine at the least, and so as the whole Rate or Assessment does not in any one Year exceed One Shilling and Eight Pence in the Pound, according to the Amount of the Assessment for the Land-tax for the Year One thousand seven hundred and forty two, and so as the Governors of the Charterhouse, in respect of the Banck-house, commonly called the Charterhouse, exclusive of their Property in the several Houses in the Square, be not assessed or rated more than One seventh Part of the whole Sum to be raised as aforesaid; which Rates or Assessments the said Trustees may make yearly, if they think proper, and which said Rates or Assessments for the Purposes in this Act specified are to be subject and chargeable with such Sum or Sums of Money as shall be advanced, borrowed, raised, or received, as herein after mentioned or appointed; which Rates or Assessments shall be paid by the respective Proprietors

Manner of
assessing.

Assessments
how to be
applied.

Landlords to
pay for empty
Houses.

Tenant to
pay the Rates,
and deduct the
Landlords
Parts out of
their Rent.

rietors and Inhabitants of the said Houses or Buildings for the time being, to the said Trustees, or any Seven or more of them, or to such Person or Persons as shall be by them thereunto appointed, in the following Manner and Proportions; that is to say, the Tenants or Occupiers of such Houses shall bear and pay Seven Tenth Parts thereof, and the Landlords or Owners of such Houses for the time being, Three Tenth Parts thereof, which said Payments shall be made by even and equal Quarterly Payments, the first Payment thereof to be made on the Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and forty three; which Payments or Sums of Money, when collected and received, shall be applied and applicable to the inclosing, or otherwise making commodious, paving, watching, cleaning, repairing, and improving the said Square, and the said Courts thereto belonging, and other Places within the separate Ward herein after described and set out, and continuing the same in good Repair, and to the other several Uses and Purposes herein mentioned, as well as to the defraying the necessary Charges and Expences of passing this Act, and of the said Trustees in the Execution of it, according to the true Intent and Meaning thereof.

And it is hereby enacted, That in case it shall so happen, that the said Houses, or any of them, at any Time from and after the said twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, shall stand and be empty, untenanted or unoccupied, or shall be occupied by any Person or Persons not liable to pay the Rates or Assessments hereby authorized to be made, or any Part of them, then and in such Case, the Rates and Assessments made upon such Houses respectively shall be paid by the respective Landlords or Owners thereof; and in case of Nonpayment, such Houses, and the Ground whereon they stand, shall be, and the same are hereby made a Security for, and chargeable with, the Payment of such Rates, and the Arrears thereof respectively.

And to the end the said Rates may be more effectually collected and received, it is hereby further enacted, That all and every the Tenants and Occupiers of the said Houses be, and shall be liable to pay the whole Rate charged upon their Houses respectively; and also all Arrears that shall be due during the Time that the House or Houses which they shall respectively inhabit was or were empty, if any shall be, such Arrears to be paid as their respective Rents shall become due; and in case of such Payment, such Tenant or Tenants shall be at Liberty to deduct and

detain out of his, her, or their Rent, such Proportion of such Rates, and such Arrears, as they shall respectively pay on Account of the several Landlords or Proprietors of the said Houses, and shall be discharged and saved harmless therefrom, as fully as if the same had been paid to any Person or Persons to whom any such Rent or Rents should or ought to have been paid; and in case any Difference shall arise concerning all or any of the Rates or Assessments to be made in pursuance of this Act, then the said Trustees, or any Seven or more of them, shall have ^{Trustees or any 7 to decide Differences.} full Power and Authority, at any Time within two Calendar Months after Complaint to them made thereof, to hear the same, and shall determine the Matter of such Complaint within the said two Months, so as such Complaint be made in Writing within one Calendar Month next after such Assessment made, or Cause of Complaint accrued.

And it is hereby further enacted, That the said Trustees, or any Seven or more of them, shall meet together at or in such Place in or near Charterhouse Square as the said Trustees, or any Seven or more of them shall appoint, on the first Tuesday which shall happen in the several Months of June, September, December, and March, at nine of the Clock in the Forenoon of the same Days, then and there to consider of the Execution of their Trust, and may adjourn themselves to such other Time and Place as they shall think fit; and also may meet at any other Time or Place, as often as there shall be Occasion for putting this Act in Execution, three Days Notice of such Meeting being left at the House of each of the said Trustees in Charterhouse Square, or the Courts thereto belonging.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, by Writing under their Hands, from time to time, at their Discretion, choose and appoint a fit Person to be Collector or Receiver of such Rates and Sums of Money as shall become due and payable by virtue of this Act, such Collector or Receiver giving reasonable Security to the said Trustees for the due and faithful Execution of his Office; and the said Trustees, or any Seven or more of them, may from time to time remove such Collector or Receiver as they shall think fit; and the said Collector or Receiver so to be appointed as aforesaid, shall from time to time, pay over all and every the Sum or Sums of Money by him collected or received, to such Person or Persons, and for such Purposes, as the said Trustees, or any Seven or more of them, shall order and appoint, and shall fairly

Coll shal enter
his Receiv-
ings in a Book;

and account
upon Oath, if
required.

The Oath to
be given with-
out Fee or
Stamp.

Collector re-
fusing to Ac-
count, it shall
be determined
by 2 Justices;

and on conti-
nuing his Re-
fusal, shall be
committed to
Prison without
Bail.

Tenants refu-
sing to pay the
Assessments, to
suffer Distrels,
and Sale after
Five Days.

enter into one or more Book or Books to be kept for that Purpose, all and every Sum and Sums of Money which he shall collect, receive, or pay by virtue of this Act, with the respective Times of his receiving and paying the same; and shall upon Oath, if thereunto required by the said Trustees, or any Three or more of them, before one or more Justice or Justices of the Peace for the said County of Middlesex (which Oath he or they is and are hereby impowered to administer) give a true, exact, and perfect Account in Writing, under his Hand, of all Sums of Money which he shall have received, paid, or disbursed by reason of his said Office, which Oath shall be taken without any Fee or Reward, and without any Stamp thereon; and if such Collector or Receiver shall neglect or refuse to account for any Sum or Sums of Money by him collected or received, or to pay the same, as the said Trustees, or any Seven or more of them, shall under their Hands order and appoint, it shall and may be lawful to and for any Two or more Justices of the Peace, of and for the said County of Middlesex, upon Complaint thereof to them made by the said Trustees, or any Three or more of them, to hear and finally determine the Matter of the said Complaint; and if such Collector or Receiver shall continue to refuse or neglect to account or pay as aforesaid, the said Justices shall commit him to the common Gaol of the said County, there to remain without Bail or Mainprize, until he shall have made a true and perfect Account and Payment as aforesaid, or shall make such Composition and Payment as the said Trustees, or any Seven or more of them, shall think fit.

And be it further enacted, That if any Person or Persons shall neglect or refuse to pay the respective Sum or Sums of Money, upon him, her, or them rated or assessed by virtue of this Act, within Ten Days after Demand thereof, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, under their Hands, to direct and appoint such Collector or Receiver, with the Assistance of a Constable or Headborough, who is hereby required to be aiding and assisting, to enter into the Dwelling-house of such Person so rated, and making Default in Payment as aforesaid, at any Time in the Day, and there to seize and distrain any Part of the Goods and Chattels in such House, and to take and carry away the same, leaving Notice in Writing at such Dwelling-house of the Cause of such Distress; and if the Owner of such Goods and Chattels so distrained, shall not within five Days next after such Distress made, and Notice thereof as aforesaid, replevy the same, according

to the Laws in being for Distresses in Cases of Non-payment of Rent, then, after the Expiration of the said five Days, such Collector or Receiver shall and may, with the Sheriff or Under-Sheriff of the said County of Middlesex, or any Constable or Headborough of the Parish wherein the same shall happen, cause the Goods and Chattels so distrained to be appraised by Two sworn Appraisers, according to the best of their Understanding (which Appraisers such Sheriff or Under-Sheriff, Constable or Headborough, are hereby impowered to swear) and, after such Appraisement, it shall and may be lawful to and for such Collector and Receiver, to sell the Goods and Chattels so distrained for the best Price that can be got for the same, and out of the Monies arising from such Sale, to keep and retain so much as will satisfy the Money payable according to such Rate or Assessment, and the Charges of such Distress, Appraisement, and Sale, leaving the Overplus (if any shall be) in the Hands of the Sheriff, Under-Sheriff, Constable, or Headborough, for the Owner's Use; and if there shall be Rescous made, or tortious Taking, or forcible Detention of the Goods and Chattels so distrained as aforesaid, the said Trustees, or any Seven or more of them, or the said Collector, shall and may, in a special Action on the Case, recover treble Damages, and Costs of Suit, against the Offender or Offenders in any such Rescous, or tortious Taking away, or forcible Detainer.

Treble Damages for resisting the Officers.

And for want of sufficient Distress, and in case no such Distress shall be thought proper to be made, then it shall and may be lawful to and for the said Trustees, or any Seven or more of them, in their own Names, or their Collector's, (if such Trustees, or any Seven or more of them shall think fit) in the Name of the Collector appointed as aforesaid, but for the Use or Uses appointed in this Act, to commence One or more Action or Actions at Law, upon the Case, or in Debt, against any Person or Persons so refusing or neglecting to pay the Money payable by virtue of this Act, and shall and may upon such Action or Actions recover the Money so due and payable: And moreover, if a Verdict or Judgement passes for the Plaintiff, or in case a Replevin be brought upon any such Distress as aforesaid, and a Verdict or Judgement passes, or is rendered against the Person or Persons suing forth or taking out such Replevin, that then, and in each of the Cases aforesaid, the Person or Persons, against whom such Verdict or Judgement shall pass, shall pay full Costs of Suit to the said Trustees, or their Collector, for their Use; and in case any such Action shall be brought in the Name of the Collector, the same shall

Trustees may bring Actions in their own Names, or their Collector's,

and recover, with full Costs.

shall be proceeded upon, and not discontinued, vacated, or discharged, but by and with the Consent of the said Trustees, or the major Part of them.

On wrongful Seizures, or Actions, the injured Party to have his full Costs.

Provided always, and it is hereby enacted, That if any Distress shall be made where no Money shall appear to be due, or if any Action shall be brought against any Proprietor or Inhabitant of any of the said Houses, and the Plaintiff or Plaintiffs therein named shall be nonsuited, or discontinue his or their Action, or a Verdict or Judgement shall pass against him or them, that then, and in every such Case, the Party injured by such Distress or Action shall have and receive his or their full Costs of Suit.

The Square and Courts to be deemed a separate Ward, in relation to paving, watching, and cleaning.

And it is further enacted by the Authority aforesaid, That from and after the said Twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, the said Square, or the Houses in, fronting, or making Part thereof, and in the said Courts, with their Out-houses, Ground, and Appurtenances, shall be, and be deemed to be, a distinct and separate Ward, as to any Rates to be made for the paving, watching, or cleaning thereof; and that the paving, watching, and cleaning thereof shall be only under the Direction of the said Trustees; and that the said Square, Courts, Houses, and Appurtenances, and the Inhabitants thereof, shall be exempted and discharged from paying towards any other Rates or Assessments, for or in respect of such Houses and Premises, to or for the Scavenger or Watch, or paving the Streets of any other Ward, District, or Place whatsoever.

Proviso.

Provided always, That the said Parishes of Saint Sepulchre and Saint Botolph Aldersgate shall, from and after the said Twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, be discharged and exonerated from watching, cleaning, or paving the said Square, Courts, and Premises, or any Part thereof.

Trustees may borrow Money on Annuities.

And forasmuch as the Monies to be collected yearly by virtue of this Act will not raise such a Stock or Sum of Money as will be sufficient for the speedy carrying on and accomplishing the Purposes aforesaid; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Proprietors and Inhabitants, or any of them, or any other Person or Persons, to advance and pay to the said Trustees any Sum or Sums of Money, not exceeding in the whole the Sum of Eleven hundred Pounds, for the absolute Purchase of any certain Annuity or Annuities, to be paid

paid and payable during the full Term of Thirty two Years, or for the single Life or Lives of such Person or Persons as the said Trustees, or any Seven or more of them shall think fit, provided each Annuity be for the Life of One Person only, to commence respectively from the respective Times such Money shall be advanced and paid, so as the Rate or Rates to be agreed on for such Annuity or Annuities for Thirty two Years do not exceed Six Pounds per Cent. per Ann. and for the Life of any One Person do not exceed Eight Pounds per Cent. per Ann. and the Purchase-money for every such Annuity is hereby appointed to be paid to the said Trustees, at such Times as shall be for that Purpose agreed upon between the Parties; all which Annuities shall be paid and payable to the Purchasers of the same, their Executors, Administrators, and Assigns, by even and equal half-yearly Portions, the first Payment thereof to be due at the End of Six Months, from the Time of the paying such Purchase-money for the same; and the said Sums received for such Annuities as aforesaid shall be applied and disposed of as the Monies to be collected and received from the Proprietors and Inhabitants of the said Houses are directed to be applied and disposed of by virtue of this Act.

Annuities to be paid half yearly.

And to the Intent that the said Annuities may be effectually secured, and duly and regularly paid; be it further enacted, That the said Trustees shall cause proper Books to be kept for registering the Sums of Money which shall be advanced and paid for purchasing of the said Annuities, and shall from time to time cause to be made therein due and regular Entries of the Sums paid, the Time when paid, and the Names of the Persons paying the same; and the said Trustees, or any Seven or more of them, shall by proper Instruments or Deeds, under their Hands and Seals, grant such Annuities issuing out of such yearly Rates for such principal Sums as aforesaid; and the said respective yearly Rates, Sum and Sums of Money hereby enacted to be paid by the Proprietors and Inhabitants of the Houses aforesaid, shall be charged and chargeable in the first Place with and for the Payment of such Annuities, and all Arrears thereof from time to time; and upon Default of Payment of such Annuities to any or either of the said Annuitants, shall be vested in such Annuitants, until the same shall be fully paid and satisfied, together with Interest, and the Costs and Charges occasioned by the Non-payment of the same; and the said Annuitants, in case there shall be any Arrear of the said Annuities, and un-

Books of Register to be kept.

On Default of paying the Annuities, the Rates to be vested in the Annuitants.

Annuities
transferrable.

Annuities free
from Taxes.

Trustees may
borrow Money
at Interest, if
they think fit,

at Four per
Cent.

til Payment thereof, together with Interest and Charges as aforesaid, shall have the same Power, Rights, and Privileges of raising, levying, and distraining, for the Sums of Money payable by the said Proprietors and Inhabitants in respect of the said Annuities, as the said Trustees, or their Collector or Receiver, could have had, in case the said Annuities had been regularly and fully paid and satisfied; and the said Annuities shall be deemed Personal Estates, and shall and may be assignable and transferrable, by Indorsement or otherwise, to any Person or Persons, and may be so assigned, transferred, and set over from time to time, as often as Occasion shall require; and the Person or Persons to whom any such Transfer or Assignment is made, from and after the Time that the same is entered in a Book to be kept for that Purpose by the said Trustees (which they are required to enter within Seven Days after Notice of such Transfer) shall be well and sufficiently intitled to such Annuity or Annuities, and to all Money due or to grow due thereon; and all such Annuities shall be free and exempt from all Parliamentary or other Taxes, Rates, and Assessments whatsoever.

Provided nevertheless, and it is hereby further enacted, That if the said Trustees, or the major Part of them, instead of granting such Annuities, as aforesaid, shall judge it more reasonable to borrow Money for the Purposes aforesaid, repayable with Interest at Times to be agreed on, or shall think it proper to grant Annuities in Part, and borrow Money in other Part, for the Purposes aforesaid, then it shall and may be lawful to and for the said Trustees, or the major Part of them, to borrow, take up, and receive any Sum or Sums of Money, as they shall think proper, and to mortgage, charge, convey, or incumber the said Rate or Rates, payable by the said Proprietors and Inhabitants, with and for the Repayment of the Sum or Sums so borrowed, with such Interest, and at such Times, and with such Provisions and Conditions of Redemption, as shall be agreed on, so that the principal Money to be borrowed do not, together with the Money received for the Purchase of any Annuities, exceed in the whole the principal Sum of Eleven hundred Pounds, and so as the Interest for the Monies so borrowed doth not exceed the Rate of Four Pounds per Centum per Annum.

And it is further enacted, That if any Trustee who shall be chosen pursuant to this Act, being a Proprietor of any House or Houses, in, fronting, or making Part of the said Square, or in the said Courts, shall aliene, convey

convey away, or assign his Property, Right Title, and Interest in and to all and every such his House and Houses, or being an Inhabitant, shall quit his House, and remove out of the said Square and Courts to some other Habitation, then every such Person shall, from and after the Time of such his Alienation, Conveyance, Assignment, or Removal, cease to be a Trustee for putting this Act in Execution, to all Intents and Purposes; and it shall be lawful to and for the said other or remaining Trustees, or the major Part of them, to elect another Trustee in his Room, in such Manner as herein after directed, who, when elected, shall have, use, and exercise the same Trusts, Powers, Authorities and Privileges, as any other Trustee hath or can use or exercise by virtue of this Act.

None to be Trustees longer than they are Proprietors or Inhabitants.

And it is further enacted, That for the continuing a Number of fit and able Persons to be Trustees for putting this Act in Execution, in case any of them shall die or refuse to act, or shall aliene, assign, or remove, as aforesaid, it shall and may be lawful to and for the said remaining Trustees, together with the Proprietors and Inhabitants of the Houses, in, fronting, or making Part of the said Square, and in the said Courts, to meet together on the First Tuesday in the Month of March in every Year, at Brook-hall in the Charterhouse, or at such other proper Place as the Trustees, or the major Part of them shall appoint, between the Hours of Nine and Ten of the Clock in the Forenoon, for electing a new Trustee or Trustees, at which Time and Place it shall and may be lawful to and for the major Part of the Trustees, Proprietors, and Inhabitants then present, to elect, nominate, and appoint in the Room of such Trustee or Trustees so dying, or refusing to act, aliening, assigning, or removing, as aforesaid, so many more Proprietors or Inhabitants of any of the Houses in, fronting, or making Part of the said Square, or in the said Courts, to make up the Number of Thirteen Trustees, to be joined with the surviving or remaining Trustees, in the Execution of all the Powers and Trusts in them reposed by virtue and in pursuance of this Act; which Trustee and Trustees so elected or appointed is and are hereby impowered and authorized to act accordingly.

Trustees disqualify'd, or others to be chosen.

Provided always, and it is hereby declared, That the Master, Register, and Receiver of the Charterhouse for the time being, by Virtue of and during their Continuance in their respective Offices of Master, Register, and Receiver of the Charterhouse, shall always be and continue to be Three of the said Thirteen Trustees, without

The Master, Register, and Receiver of the Charterhouse, always to be three of the thirteen Trustees.

without any Election or Choice whatsoever ; and that the aforesaid Clause relating to the Election of new Trustees, shall only extend, and be construed to extend, to the Elections of the remaining Ten Trustees.

Application of
the Penalties.

And it is further enacted, That all Penalties and Sums of Money made payable by this Act shall be paid to the said Trustees, or to such Person or Persons as they, or any Seven or more of them shall appoint, and shall be applied to and for the several Uses and Purposes in this Act mentioned.

Limitation of
Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any thing that shall be done in pursuance of this Act, or in relation to the Premises, then and in such Case the Action or Suit shall be brought or commenced within Three Calendar Months after the Fact committed, and not afterwards ; and shall be brought or laid in the County of Middlesex, and not elsewhere ; and the Defendant or Defendants in such Action or Suit

General Issue.

shall and may plead the General Issue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon ; and if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their Action or Actions, Suit or Suits, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover full Costs, and have the like Remedy for Recovery thereof, as any other Defendant or Defendants hath or have in any other Case by Law.

Full Costs.

This Act not
to affect the
Governors of
the Charter-
house.

Provided always nevertheless, That nothing herein contained shall extend, or be construed to extend to affect or prejudice the Right, Property, and Interest of the Governors of the Charterhouse, of, in, and to the Ground or Soil of all the said Square, or the Trees therein ; but that such Right, Property, and Interest shall continue and be, to all Intents and Purposes, as before the making of this Act ; any thing herein contained to the contrary thereof in any wise notwithstanding.

Publick Act.

And it is hereby enacted and declared, That this Act shall be deemed and taken to be a publick Act ; and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same.

F I N I S.

